

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA)
)
)
 v.) Case No. 3:23-00081
) JUDGE CRENSHAW
) MAGISTRATE JUDGE FRENSEY
)
)
JOSIAH ERNESTO GARCIA)

UNOPPOSED MOTION TO MODIFY CONDITIONS OF RELEASE

Pursuant to 18 U.S.C. § 3142(c)(3), the Court may amend the release order to impose different conditions of release at any time. Through undersigned counsel, Josiah Garcia respectfully moves this Honorable Court to modify the conditions set in the Court's April 28, 2023, release order. (See D.E. #29). Specifically, Mr. Garcia requests the Court modify condition "t" restricting use of internet for employment purposes only. For the reasons set forth below, Mr. Garcia seeks to modify the conditions of his release.

Since the Court released Mr. Garcia, his compliance has been perfect. He obtained a job shortly after his release and has remained in this position since May. He complied with his home detention order and has also refrained from using the internet. Mr. Garcia was subsequently laid off from his job at Magna. He was very persistent in searching for other jobs afterwards. Recently, Mr. Garcia was hired as an appointment setter by G3 Solar company. This job requires the employee to "canvass neighborhoods in the area, set appointments for homeowners to receive solar energy alternatives, and meet via zoom 2-3 times a week." Though this Court previously set as a condition that "defendant may access internet for employment purposes only with prior approval by Pretrial Services" (D.E. 29), Mr. Garcia has not been given approval to attend zoom meetings without court

order. His first zoom meeting is scheduled for Saturday, April 27, 2024. He would like to be able to appear at the meeting to continue employment.

The undersigned conferred with Assistant United States Attorney, Brooke Schiferle, who “does not object to [Mr. Garcia] using the internet to access zoom as required by his new employment.” The undersigned also conferred with Mr. Garcia’s supervising probation officer, Douglas Murphy, who indicated he has no objections to this motion.

WHEREFORE, for the above and foregoing reasons, it is respectfully prayed this Honorable Court enter an order modifying the requested conditions of release.

Respectfully submitted,

/s/ David K. Fletcher
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CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2024, I electronically filed the foregoing *Unopposed Motion to Modify Conditions of Release* with the U.S. District Court Clerk by using the CM/ECF system, which will send a Notice of Electronic Filing to the following: Brooke Schiferle, Assistant United States Attorney, 719 Church Street, Suite 3300, Nashville, Tennessee, 37203.

/s/ David K. Fletcher
DAVID K. FLETCHER